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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,679	02/25/2000	Maria Adamczyk	36968/187944	7534

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,679

Applicant(s)

ADAMCZYK ET AL.

Examiner

Olisa Anwah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wheeler, U.S. Patent No. 5,583,920 (hereinafter Wheeler).

Regarding claim 1, Wheeler discloses with respect to a communication from a caller to a subscriber's directory number where the communication has been terminated to a voice mail system serving the subscriber instead of the communication having been terminated to terminating equipment associated with the subscriber's directory number, a method for transferring the communication from the VMS so the VMS is no longer involved in the communication (columns 30-31), the method comprising:

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receiving a message indicating a release of the communication by the VMS, the message also indicating at least an action to be taken with respect to the communication and

directing that the action be taken with respect to the communication, whereby the communication, which had been terminated to the VMS, is released from the VMS and is acted upon without further involvement of the VMS with the communication (col. 32, lines 10-40 and column 33).

Regarding claim 2, see columns 30-33.

Regarding claim 3, see columns 30-33 and column 25.

Regarding claim 4, see col. 32, lines 10-40 and column 33.

Regarding claim 5, see col. 32, lines 10-40 and column 33.

Claim 6 is rejected for the same reasons as claim 1.

Regarding claim 7, see columns 30-33.

Regarding claim 8, see columns 30-33.

Regarding claim 9, see columns 30-33.

Regarding claim 10, see columns 30-33.

Regarding claim 11, see column 25.

Claim 12 is rejected for the same reasons as claim 4.

Claim 13 is rejected fro the same reasons as claim 5.

Claim 14 is rejected for the same reasons as claim 6.

Regarding claim 15, see columns 30-33.

Regarding claim 16, see columns 30-33.

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Regarding claim 17, see columns 30-33.

Regarding claim 18, see columns 30-33.

Regarding claim 19, see columns 30-33.

Claim 20 is rejected for the same reasons as claim 12.

Claim 21 is rejected for the same reasons as claim 13.

Claim 22 is rejected for the same reasons as claim 14.

Regarding claim 23, see columns 30-33.

Regarding claim 24, see columns 30-33.

Regarding claim 25, see columns 31-33.

Regarding claim 26, see columns 31-33.

Regarding claim 27, see columns 31-33.

Claim 28 is rejected for the same reasons as claim 20.

Claim 29 is rejected for the same reasons as claim 21.

Response to Arguments

3. Applicant surprisingly argues that the IP of Wheeler is not functionally equivalent to the claimed VMS. Examiner respectfully disagrees. The IP disclosed by Wheeler reads on the claimed VMS because Wheeler discloses the IP performs **voice messaging features** (see abstract). Applicant also incorrectly alleges Wheeler fails to teach the claimed releasing limitation. Examiner respectfully disagrees. Wheeler teaches the SSP routes the call to the destination and tears down the prior call

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connection between the caller and the IP (see columns 32-33).

For this reason, Wheeler teaches the claimed releasing limitation. Applicant is strongly advised to amend the claims.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
February 8, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2645